

21 C.J.S. Courts § 110

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Courts

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III. Creation and Constitution; Officers of Courts

A. Creation, Organization, and Abolition of Courts

1. In General

§ 110. General and specific rules—Special statutory proceedings

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Courts](#)  42(1), 43

Where the legislature creates special statutory proceedings involving rights previously unknown to law, the legislature may confer jurisdiction thereof on any court, but it cannot, in doing so, take away the constitutionally protected jurisdiction of other courts.

Where the legislature creates special statutory proceedings involving rights previously unknown to law and equity and providing remedies therefor, the legislature may confer jurisdiction thereof on any court to the exclusion of others¹ provided the statute furnishes adequate protection of the rights of persons concerned.² However, it cannot, in so doing, take away the constitutionally protected jurisdiction of other courts insofar as it is applicable to the controversy involved.³

An attempt by the legislature, in an act which continues in force statutes giving a right of action, to prohibit the court from hearing particular suits under such statutes is an unconstitutional invasion of the court's jurisdiction.⁴

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Footnotes

¹ Ill.—*Ashlock v. Ashlock*, 360 Ill. 115, 195 N.E. 657 (1935).

N.C.—*Manning v. Rama Rural Community of Mecklenburg County*, 182 N.C. 861, 109 S.E. 576 (1921).

- 2 Ill.—*White v. City of Ottawa*, 318 Ill. 463, 149 N.E. 521 (1925).
- 3 Pa.—*Grime v. Department of Public Instruction*, 324 Pa. 371, 188 A. 337 (1936).
- 4 Ariz.—*Puterbaugh v. Gila County*, 45 Ariz. 557, 46 P.2d 1064 (1935).

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